

**GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT**

LAW OFFICERS – Amendment to Instruction 13 of the Andhra Pradesh Law Officers (Appointment and Conditions of Service) Instructions, 2000 issued in G.O.Ms.No.187, Law, dated 06.12.2000 – Orders – Issued.

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**LAW (L.3) DEPARTMENT**

**G.O.Rt.No.2014**

**Dated: 19.11.2010.**

**Read:**

G.O.Ms.No.187, Law, dated 06-12-2000.

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**ORDER:**

As per Instruction 13 of the Andhra Pradesh Law Officers (Appointment and Conditions of Service) Instructions, 2000 issued in the G.O. read above, a Government Pleader or Assistant Government Pleader, Public Prosecutor or Additional Public Prosecutor before assuming charge as such shall relinquish his assignment, if any, such as Standing Counsel for any Statutory Corporation, Local authority or University or any other institution as well as Notary.

2. The Hon'ble High Court of Orissa in Nityananda Behera Vs. State of Orissa and another reported in 1997 AIR ORISSA 1 held that, "admittedly a notary is neither paid a monthly salary nor any fees by the Government. The fee that is paid to him is not by the Government, but by the individual client whom he serves. He renders no service to the Government in the discharge of its sovereign functions or in its carrying on the civil administration of the State. He is not bound by the Government Servants' Conduct Rules. He has not to apply for leave if he wants to leave the station or does not want to attend to his work on a particular day. There exists no relationship of master and servant between the State Government and him. The duties assigned to him are of a professional nature. Functions of a notary are indicated in Section 8 of the Act. A notary carries on a profession and is not in the employment of any one including the State Government as evident from the preamble of the Act, which reads that the Act is to regulate the profession of notaries. The fact that a notary carries on profession as evident from section 10 (d) of the Act, it refers to profession and other misconduct. Judged in the aforesaid background, it cannot be held that a notary holds an office of profit. To that extent the view of the authorities is vulnerable and is nullified."

3. Government after careful examination of the matter in the light of the above decision, it has been felt that the requirement to relinquish the discharging the functions as notary shall be dispensed with by amending Instruction 13 of the Andhra Pradesh Law Officers (Appointment and Conditions of Service) Instructions, 2000 issued in the reference read above.

4. Accordingly, the following amendment is made to the said Instruction.

**AMENDMENT**

In Instruction 13 of the Andhra Pradesh Law Officers (Appointment and Conditions of Service) Instructions, 2000, issued in G.O.Ms.No.187, Law, dated 6<sup>th</sup> December, 2000, the words “ as well as Notary” shall be omitted.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**A.SHANKAR NARAYANA,**  
Secretary to Government,  
Legal Affairs (FAC).

To

The Advocate General for the State of A.P., Hyderabad.

All the District Collectors.

The Director of Prosecutions, A.P., Hyderabad.

All Departments of Secretariat. (With a request to circulate  
the same to all the concerned  
under their administrative control).

**Copy to:** The O.S.D. to Hon'ble C.M.

- „ : The P.S. to Hon'ble Minister for Law & Courts, T.E. & I.T.Is.
- „ : The P.S. to Chief Secretary.
- „ : The Registrar General, High Court of A.P, Hyderabad. .
- „ : The Pay and Accounts Officer, Main Branch, Hyderabad.
- „ : The P.S. to Secretary, Legal Affairs, Law Department.
- „ : The P.S. to Secretary, Legislative Affairs & Justice,  
Law Department.
- „ : S/f and S/c.

**// Forwarded::By Order //**

**SECTION OFFICER.**